

TERMS OF REFERENCE

Contract			
Project			
Competence	Legal Expert		
Source	National	Category	Independent individual consultant
<p>Scope of work: Legal Expert shall draft the detailed schedule of works, coordinate and have it approved by the signature of the supervising Deputy Minister within 20 days from the beginning of the project; the schedule may be adjusted as instructed by the Team Leader;</p> <p>Directly performs the following work with the expert team:</p> <ul style="list-style-type: none"> - review the normative legal acts related in the road industry dated 2021 and onwards and aimed at transforming the industry, in order to prepare recommendations and a corresponding package of documents on the further direction of the industry's activities (including preparation and legal support prior to the approval of regulatory legal acts concerning the activities of the DDH, the State Enterprise "KAZh", the Road Fund, and the PIC); - development and legal support of the Strategic Plan for the introduction of toll roads in the Kyrgyz Republic jointly with an engineer and an economist. - development and support until approval of the Methodology for calculating the toll for travel on a toll road (Article 11 of the Law on Roads); - development and support until approval of the Procedure and conditions for the operation of toll roads (Article 11 of the Law on Roads); - development of regulatory legal acts on amendments and additions to <ol style="list-style-type: none"> 1) Resolution of the Government of the Kyrgyz Republic No. 538 dated August 24, 2017 "On approval of the Regulations on the procedure for the design, construction and reconstruction of roads" in order to bring them into line with current legislation; 2) Resolution of the Government of the Kyrgyz Republic No. 512 dated August 18, 2017 "On approval of the Procedure for the use of roads and road structures and their protection in the territory of the Kyrgyz Republic and the Procedure for the classification and numbering of public roads in the territory of the Kyrgyz Republic" (add the category and length of roads, etc.); <ul style="list-style-type: none"> - updating and supplementing SNIP 32012004 "Design of roads" and "Code of rules" in accordance with the regulations of the Customs Union jointly with an engineer; - development of standard series for roads of the Kyrgyz Republic; - conducting an analysis of regulatory legal documents in the road transport sector, prepared or being prepared by the Ministry with the aim of bringing them into compliance with the legislation of the Kyrgyz Republic and duly entered into international treaties to which the Kyrgyz Republic is a party. - together with a road engineer, providing assistance in studying existing GOSTs and SNIps and the legal basis for their operation, with subsequent introduction of appropriate changes to these documents; - together with an engineer, development of methodological recommendations for landscaping public roads 			

- development of a master plan for the development, improvement, and location of road and roadside service facilities on the right-of-way and roadside of public roads (we did this once, it can be updated);
- together with an engineer, development of the Procedure for conducting departmental examination of design documentation for capital and periodic repairs of existing public roads (Article 25 of the law);
- together with an engineer, draft a list of sections of motorways, works on their maintenance, approved by the authorized state body in the field of transport and communications;
- together with an engineer, draft a list of sections of motorways, the maintenance of which can be carried out on the basis of a contract for the procurement of services for their maintenance (Article 26);
- conduct an analysis of legislation regarding PPP projects, in particular road projects, and propose mechanisms to simplify the procedures for implementing PPP projects in the road sector;
- conduct an analysis of the existing system of design approval and coordination and propose measures to simplify the approval process (together with a road engineer and a transport economist);
- performance of other tasks on legal issues.

Outputs:

- Order of the Ministry of Transport and Communications of the Kyrgyz Republic " On approval of the Methodology for calculating the fee for travel on a toll road";
- Order of the Ministry of Transport and Communications of the Kyrgyz Republic " On approval of the Procedure and conditions for the operation of toll roads";
- Order of the Ministry of Transport and Communications of the Kyrgyz Republic "On Approval of the Master Plan for the Development, Improvement and Placement of Road and Roadside Service Facilities on the ROW and Roadside of Public Roads";
- Order of the Ministry of Transport and Communications "On approval of the Procedure for conducting departmental examination for capital and periodic repairs of public roads;
- draft regulatory legal acts on amendments to the provisions on DDH, SE, RF, PIC.
- draft NLA on the inclusion of environmental and climate standards in the regulatory framework, taking into account international obligations to reduce greenhouse gas emissions, adapt to climate change and mitigate the effects of global warming that directly affect road infrastructure.

Reporting requirements:

Initial report - a schedule and sequence of works shall be provided after 20 days, with a clearly indicated planned timing for the development of NLA (progress report shall be provided on a monthly basis);

Monthly progress reports shall be submitted to the Team Leader.

Completion report - complete information on the tasks performed and the results achieved with recommendations for further activities in relation to the adopted documents.

Location of the assignment	Days/months	Dates
The main location for service delivery is the ADB PIU Office at MOTC KR with periodic visits to construction sites as needed.	9 months	Services are scheduled to start on _____, 2025, subject to ADB approval. The contract is valid until _____, 2026.
Contract period (specify if intermittent)	intermittent	-

Qualification requirements:

- *Higher education in Law or Jurisprudence;*
- *At least 10 years of related experience;*
- *At least 3 years of experience in projects funded by international financial institutions;*
- *Knowledge of the state and official languages at a level sufficient to complete the assignment;*
- *At least 5 years of experience in the development of normative legal acts;*
- *Knowledge of the legislation in the field of road economy;*
- *Interpersonal communication skills and teamwork skills;*